

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PAUL LEEMON CLARK,) CASE NO. C08-0449-MJP
)
Plaintiff,)
)
v.) ORDER DISMISSING § 1983 ACTION
)
SCOTT SCHMIDT,)
)
Defendant.)

The Court, having reviewed the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) The complaint and this action are DISMISSED for failure to state a claim upon which relief can be granted. Plaintiff's application for leave to proceed *in forma pauperis* is DENIED as moot; and
- (3) The Clerk is directed to send copies of this Order to plaintiff and to Judge Theiler.

DATED this 22nd day of April, 2008.



Marsha J. Pechman
U.S. District Judge